


DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-160
13 June 1985

MEMORANDUM FOR: Chief, Legislation Division/OLL

FROM:


Chairman

SUBJECT: DoD Draft Report on H.R. 1082

REFERENCE: OLL 85-1552/1, 28 May 1985

1. In response to reference, the following comments on the DoD report on H.R. 1082 are offered:

Title IV - We agree with DoD suggestion that one "officer or employee" might reveal classified info to another "officer or employee" with foreknowledge that it will be revealed to an unauthorized person. But the officer or employee making the revelation to the unauthorized person is nevertheless the committer of the offense. The original "officer or employee" might be an accessory, but certainly couldn't be charged with the offense. Perhaps a provision could be inserted, covering culpability of those who indirectly provide data for publication.

The second DoD comment is one we've made previously. The failure to include cleared contractor personnel is a truck-sized loophole that must be closed.

Title V - Section 7365 (3) is extremely important to the protection of intelligence sources and methods and should be supported to the fullest extent. It should be broadened, however, to cover Congressional staff personnel, if they are not included under the current language.

2. I agree with DoD that legislative limitations on polygraph and secrecy agreements are not helpful. Instead, the bill should confine itself to establishing the rules for use of these devices and techniques. It would be far better if the bill said the polygraph and prepublication review agreement may (or shall) be used in certain specific situations, omitting the restrictive language.

3. Please advise if elaboration is desired.

